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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,751	11/20/2003	Knut Behnke	81658/LPK	8801
7590	06/30/2005		EXAMINER	
Lawrence P. Kessler Patent Department NexPress Solutions LLC 1447 St. Paul Street Rochester, NY 14653-7103			CHAU, MINH H	
			ART UNIT	PAPER NUMBER
			2854	
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/717,751

Applicant(s)

BEHNKE ET AL.

Examiner

Minh H. Chau

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 11-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/20/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claim 7** is objected to because of the following informalities: There is insufficient antecedent basis for the recitation "*said transport belt (1)*". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 7** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language "*said transport belt (1) is heat to different degrees at different locations*" is inferentially recited

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1, 9 and 10** are rejected under 35 U.S.C. 102(a) as being anticipated by Rohde et al. (US # 6,535,711).

With respect to **claim 1**, Rohde et al. teach a method for transporting a print material covered on the front side with toner for printing on the back side (see Fig. 1 and col. 5, lines 33-67), comprising the step of transporting print material through a heating device or a heater (21) for heating or for pre-fusing toner on the front side of the print material by heating over the toner glass transition temperature (T_g), and thereafter transporting the print material for printing on the back side thereof (see Fig. 1 and cols. 5-6 of Rohde et al.)

With respect to **claim 9**, Rohde et al. teach a transport apparatus for transporting print material comprising a transport belt (13, 15), at least one heat source (21) for heating or for pre-fusing toner on the front side of print material, transported by the transport belt (13, 15) by heating the toner over the toner glass transition temperature before back side printing, and a reversing device or a switch (7) for returning the transported print material for back side printing (see Fig. 1 and cols. 5-6 of Rohde et al.)

With respect to **claim 10**, see Fig. 1 of Rohde et al. that show at least one heat source (21) is associated with the transport belt (13, 15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohde et al. as applied to claims 1, 9 and 10 above, and in view of Farnand et al. (US # 5,157,447).

With respect to **claim 2**, Rohde et al. teach all the limitation as explained in the rejection above, except for the recitation *"toner is heated by a transport belt"*.

Farnand et al. teach a method for preheating and pressure-fixing a toner images for a receiving or print sheet (5) comprising a toner on the receiving or print sheet is heated by a transport belt (31) (see Fig. 1 and cols. 3-4 of Farnand et al.)

In view of this teaching, it would have been obvious to one of skill in the art to modify the method of Rohde et al. to include the method step of toner is heated by a transport belt as taught by Farnand et al. for the advantage of allowing toner can be fix on the print sheet at an appropriate level of temperature so that to a photographic quality can be achieve.

With respect to **claim 3**, see Fig. 1 of Farnand et al. that show the transport belt (31) is a conveyor belt.

With respect to **claim 4**, see Fig. 1 and col. 3 of Farnand et al. that teach transport belt (31) is heated by a heat source (32) associated with the transport belt.

With respect to **claim 5**, see col. 4, line 61+ of Farnand et al. that teach heating temperature is selectively controlled.

Allowable Subject Matter

8. **Claims 6-8 and 11-20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Claim 6 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for transporting a print material including the print material covered on the front side with toner is heated to fusing temperature prior to the back printing and the print material is heated after the back side printing only to a lower temperature than the fusing temperature.

Claim 7 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for transporting a print material including the transport belt is heated to different degrees at different locations.

Claim 8 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including the heating of the print material is measured and heat is fed to the print material in a controlled manner on the basis of the heat measurement.

Claims 11-13 have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including at least one heat source includes resistance wires in said transport belt.

Claims 14-16 have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including at least one heat source includes a screen.

Claim 17 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including at least one heat source includes perforated plates.

Claim 18 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including at least one heat source includes heater bands which can be bonded onto the transport belt.

Claim 19 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including a shaft encoder on a drive roller for the transport belt for sensing transport belt speed, and a controller for switching off the at least one heat source when the transport belt stops.

Claim 20 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a transport apparatus for transporting a print material including fusing rollers downstream of the transport belt, which can be swiveled into operative relation with a transport path for the print material and swiveled to a position remote from the transport path.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the patent to Franke (US # 4,639,405), Wayman et al. (US # 5,978,641), Chen et al. (US # 6,687,483), Behnke et al. (Pub. No. US 2004/0096249A1) and Gogate et al. (Pub. No. US 2004/021118950A1)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC
27 June 2005


MINH CHAU
PRIMARY EXAMINER